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OK/HAV

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr.S. 04-104 DFL
)	
Plaintiff,)	STIPULATION AND ORDER
)	RESETTING THE BRIEFING SCHEDULE AND
v.)	HEARING DATE
)	
MARK ERCKERT,)	
)	
Defendants.)	Date: August 10, 2006
)	Time: 10:00 a.m.
)	Judge: Hon. David F. Levi

The defendant Mark Erckert, by and through counsel Krista Hart, along with the plaintiff United States (government), by and through counsel Assistant U.S. Attorney Phil Ferrari, hereby stipulate and agree that the briefing schedule currently set be reset as follows:

Motions and briefs due: June 29, 2006

Opposition brief due: July 20, 2006

Reply briefs due: July 27, 2006

Hearing date: August 17, 2006 at 10:00 a.m.

It is further stipulated and agreed between the parties that the period of time from June 22, 2006, and June 29, 2006, should be

1 excluded in computing the time within which the trial of the above
2 criminal prosecution must commence for purposes of the Speedy Trial
3 Act. All parties stipulate and agree that this is an appropriate
4 exclusion of time within the meaning of Title 18, United States Code,
5 sections 3161(h) (8) (B) (iv) (Local Code T4).

6 This matter was set for a briefing schedule concerning a second
7 motion to suppress evidence based on newly discovered information.
8 While preparing the motion, defense counsel learned that there is some
9 additional discovery necessary for the motion. The government has
10 agreed to look for the requested discovery and provide it to the
11 defense if it exists. Therefore, additional time is necessary to
12 obtain the discovery and complete the motion.

13 June 27, 2006

/s/ Krista Hart
Attorney for Mark Erckert

15 June 27, 2006

McGREGOR SCOTT
United States Attorney

18 /s/ Phil Ferrari
Assistant U.S. Attorney
19 (Signed by Krista Hart, per e-mail)

21 **O R D E R**

23 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

25 DATED: June 26, 2006

/s/ David F. Levi
The Honorable DAVID F. LEVI
United States District Court Judge